

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

IN RE: NATIONAL PRESCRIPTION	)	MDL NO. 2804
OPIATE LITIGATION	)	
	)	CASE NO. 1:17-MD-2804
THIS DOCUMENT RELATES TO:	)	
ALL CASES	)	JUDGE DAN A. POLSTER
	)	
	)	

**DEFENDANT PRESCRIPTION SUPPLY, INC.'S NOTICE REGARDING SERVICE**

In accordance with the Court's April 11, 2018 Case Management Order One, Paragraph 6.d., Prescription Supply, Inc. hereby submits this notice. The proper form for waiver of service for Prescription Supply, Inc. is attached to this notice as Exhibit A. The standard form has been modified in accordance with this Court's orders. Requests for waiver of service to Prescription Supply, Inc. shall be made, complete with all required case information and a PDF copy of the complaint and any exhibits thereto, via email to the following attorney:

Paul B. Ricard, Esq.  
[pbricard@pelini-law.com](mailto:pbricard@pelini-law.com)

Respectfully submitted,

*/s/ Paul B. Ricard*

\_\_\_\_\_  
Craig G. Pelini (#0019221)  
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Counsel for Prescription Supply, Inc.

**CERTIFICATE OF SERVICE**

I hereby certify that on August 1, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification to all counsel of record.

/s/ Paul B. Ricard

Paul B. Ricard (#0088207)

Craig G. Peline (#0019221)

S:\4137\6000 MDL PRESCRIPTION SUPPLY\PSI Notice of Waiver.docx

# **EXHIBIT A**

## UNITED STATES DISTRICT COURT

for the

Northern District of Ohio ☐\_\_\_\_\_  
*Plaintiff*

v.

\_\_\_\_\_  
*Defendant*

Civil Action No.

## WAIVER OF THE SERVICE OF SUMMONS

To: \_\_\_\_\_  
(Name of the plaintiff's attorney or unrepresented plaintiff)

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from \_\_\_\_\_, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date: \_\_\_\_\_

Prescription Supply, Inc.  
Printed name of party waiving service of summons

\_\_\_\_\_  
Signature of the attorney or unrepresented party

Paul B. Ricard  
Printed name  
Pelini, Campbell & Williams LLC  
8040 Cleveland Ave. NW, Suite 400  
North Canton, OH 44720

\_\_\_\_\_  
Address\_\_\_\_\_  
pbricard@pelini-law.com\_\_\_\_\_  
E-mail address\_\_\_\_\_  
(330) 305-6400\_\_\_\_\_  
Telephone number

## Duty to Avoid Unnecessary Expenses of Serving a Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does *not* include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.